

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA,

**Plaintiff**

v.

333 CARTONS CONTAINING 5,694  
CHRISTMAS DECORATIVE LIGHTS,

**Defendant.**

CIVIL NO. 12-

**VERIFIED COMPLAINT FOR FORFEITURE IN REM**

TO THE HONORABLE COURT:

COMES NOW, plaintiff, the United States of America, by and through its undersigned attorneys, Rosa E. Rodríguez-Vélez, United States Attorney for the District of Puerto Rico; Myriam Y. Fernández-González, Assistant United States Attorney, Chief of the Money Laundering and Asset Forfeiture Unit; Eugenio A. Lomba-Ortiz, Special Assistant United States Attorney, brings this complaint and alleges as follows in accordance with Supplemental Rule G(2) of the Federal Rules of Civil Procedure.

**NATURE OF THE ACTION**

1. This is a civil action in rem brought to enforce the provisions of Title 19, United States Code, Section 1595A(c)(2)(A); and Title 15, United States Code, Sections 2064(a) and (c) and 2066(e).

**THE DEFENDANT IN REM**

2. The defendant property seized by a law enforcement officer of the United States Customs and Border Protection ("CBP") consists of: 333 Cartons Containing 5,694 Christmas Decorative Lights.

### JURISDICTION AND VENUE

3. This Court has subject matter jurisdiction over an action commenced by the United States pursuant to Title 28 United States Code, Section 1345, and over an action for forfeiture pursuant to Title 28, United States Code, Section, 1355(a). This Court also has jurisdiction over this action pursuant to Title 19, United States Code, Section 1595A(c)(2)(A); and Title 15, United States Code, Sections 2064(a) and (c) and 2066(e).
4. This Court has in rem jurisdiction over the defendant property pursuant to Title 28, United States Code, Section 1355(b)(1)(A) because acts and omissions giving rise to the forfeiture occurred in this district; and section 1355(b)(1)(B), incorporating Title 28, United States Code; because the defendant property is found in this district.
5. Venue is proper in this district pursuant to Title 28, United States Code, Section 1355(b)(1)(A) (acts and omissions giving rise to the forfeiture occurred in this district) and section 1395 (the defendant property is found in this district).

### BASIS FOR FORFEITURE

6. This is a civil action in rem brought to enforce the provisions of Title 19, United States Code, Section 1595A(c)(2)(A) (The merchandise may be seized and forfeited if - "its importation or entry is subject to any restriction or prohibition which is imposed by law relating to health, safety or conservation and the merchandise is not in compliance with the applicable rule, regulation or statute"); Title 15, United States Code, Section 2064(a) ("Substantial product hazard" defined For purposes of this section, the term "substantial product hazard" means - (1) a failure to comply with an applicable consumer product safety rule which creates a substantial risk of injury to the public, or (2) a product defect which (because of the pattern of defect, the number of defective products distributed in commerce, the severity of the risk, or otherwise) creates a substantial risk of injury to the public) and (c) (Notice of defect or failure to comply; mail notice - providing for the authority to seize and

forfeit); and Title 15, United States Code, Section 2066(e) (permitting destruction of defective products).

#### FACTS

7. The facts and circumstances supporting the seizure and forfeiture of the defendant property are contained in the Title 28, United States Code, Section 1746 unsworn declaration of the United States Customs and Border Protection Officer, Andres Cabrero, attached hereto, and incorporated herein as if fully stated.

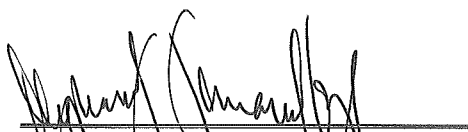
#### CLAIM FOR RELIEF

WHEREFORE, The United States of America prays that a warrant of arrest for the defendant property be issued; that due notice be given to all parties to appear and show cause why the forfeiture should not be decreed; that judgment be entered declaring the defendant property condemned and forfeited to the United States of America for disposition according to law; and that the United States of America be granted such other and further relief as this Court may deem just and proper, together with the costs and disbursements of this action.

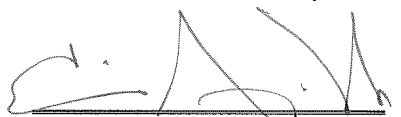
RESPECTFULLY SUBMITTED,

In San Juan, Puerto Rico, this 7<sup>th</sup> day of August, 2012.

ROSA EMILIA RODRIGUEZ-VELEZ  
United States Attorney



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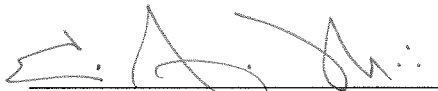
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VERIFIED DECLARATION

I, Eugenio A. Lomba-Ortiz, Special Assistant U.S. Attorney, for the District of Puerto Rico, declare under penalty of perjury as provided by Title 28, United States Code, Section 1746, the following:

That the foregoing Complaint is based on reports and information furnished to me by the United States Customs and Border Protection ("CBP"); that everything contained therein is true and correct to the best of my knowledge and belief.

Executed in San Juan, Puerto Rico, this 07<sup>th</sup> day of August, 2012.



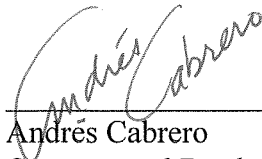
Eugenio A. Lomba-Ortiz  
Special Assistant U.S. Attorney

VERIFIED DECLARATION

I, Andres Cabrero, Customs and Border Protection Officer, of the United States Customs and Border Protection ("CBP"), declare as provided by Title 28, United States Code, Section 1746, the following:

We have read the contents of the foregoing Complaint for Forfeiture in Rem and the attached unsworn declaration thereto, and we find the same to be true and correct to the best of my knowledge and belief. We declare under penalty of perjury that the foregoing is true and correct.

Executed in San Juan, Puerto Rico, this 07 day of August, 2012.



Andrés Cabrero  
Customs and Border Protection Officer,  
United States Customs and Border Protection ("CBP")